

VIRGINIA ASSOCIATION OF COUNTIES

CONNECTING COUNTY GOVERNMENTS SINCE 1934



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September 28, 2005

Dear Chief County Administrative Officer:

Here is the draft of VACO's 2006 Legislative Program (also posted on VACO's web site at www.vaco.org). To complete the legislative program, each steering committee will meet on November 13 during VACO's Annual Meeting at the Homestead. The association's membership will vote on the final document during VACO's annual business meeting on November 15. County representatives are invited to attend these meetings and, if they wish, participate in the final discussions prior to adoption of VACO's legislative program. Here is the meeting schedule:

Sunday, November 13, steering committee meetings
1--2:30 p.m.

Transportation
Finance
Administration of Government
Health and Human Services

2:45-4:15 p.m.

Telecommunications and Utilities
Community Development and Planning
Environment and Agriculture
Education

Monday, November 14

7:30 - 9:30 a.m.

Resolutions Committee Meeting

Tuesday, November 15

9:00-11:30 a.m.

VACO's annual business meeting

I hope you will review this document and discuss its contents with your board and direct any comments to either myself or Jim Campbell, VACO's Executive Director.

Any comments and additional proposals you would like to have considered for inclusion in VACO's *Legislative Program and Policy Statements* must be submitted in writing to the VACO office by October 21 for assignment to the appropriate steering committee. All proposals must receive consideration through the steering committee process and not be the subject of a floor proposal during VACO's annual business meeting.

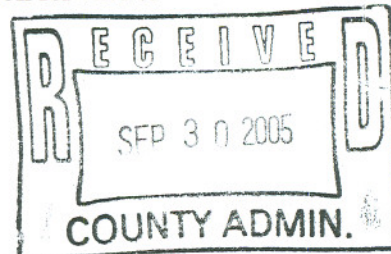
Thank you for your consideration of this draft document. We look forward to receiving your comments and hope to see you in November.

Sincerely,

Teresa L. Altemus

Teresa L. Altemus
Chair, Resolutions
Committee

Cc VACO Board, Resolutions Committee, legislative liaisons, county attorneys



Virginia Association of Counties' 2006 DRAFT Legislative Program

Administration of Government

Priority

Unfunded Mandates

VACo opposes unfunded mandates by the state government. When funding for a mandated program is reduced due to declining state revenue, the mandate should be suspended until full funding can be restored. When legislation with a cost is passed by the General Assembly, the cost should be borne by the State and the legislation should contain a clause that provides that if the funding by the state is not provided, the mandate is not binding on localities. VACo further opposes the shifting of fiscal responsibility from the state to localities for existing programs.

Positions

Aid to Localities

VACo requests the Commonwealth to use the most current population statistics available such as those developed by the Weldon Cooper Center for the purposes of determining local aid to those localities that have experienced growth since the last census. Those localities that have remained stable or have lost population should be held harmless and funded based on the last U.S. Census results.

Annexation Moratorium

VACo supports the continuation of the current moratorium on city annexations regardless of whether the Commonwealth has fully funded its 599 commitments.

Collegial Bodies

VACo supports continued funding of a per diem and costs and expenses for citizen members appointed to collegial boards.

Constitutional Officers Funding

Reductions in funding for locally elected constitutional officers have decreased services to citizens and increased pressure on local property taxes. The General Assembly should give a high priority to full funding for constitutional officers as provided by the Virginia code.

Dillon Rule

Virginia is one of the few states that still adhere strictly to the Dillon Rule. The General Assembly should enact legislation that is more in keeping with the majority of states that have given counties, cities and towns greater local autonomy, particularly concerning land use regulation and local revenue measures.

Eminent Domain

VACo supports amending Virginia's laws to ensure that the rights of property owners continue to be respected while preserving the necessary powers of local government and governmental agencies to avoid and abate blighted conditions through redevelopment, and preserve condemnation authority provided for public purposes such as schools, parks, roads and other purposes as set out in the Virginia code.

Equal Taxing Powers and Uniform Charter Powers Act

VACo supports legislation granting counties the same powers to impose local taxes that are currently available to all Virginia cities and towns, as well as all other powers granted to cities and towns under the Uniform Charter Powers Act.

Grievance Hearings

VACo supports legislation to amend Virginia code section 15.2-1507 to authorize localities to utilize an administrative hearing officer in lieu of the three-member panel, similar to the method established for state employee grievances in code Section 2.2-3005. This should help ensure consistency in applying policies.

Heart and Lung Presumption

VACo opposes the expansion of the list of illnesses and conditions that are legally presumed to be work-related for police, firefighters and other public safety employees. Such presumptions are of doubtful medical validity and are potentially unfair to other classes of employees.

Homeland Security

A high percentage of the cost and burden of providing homeland security measures is being borne by local public safety agencies including independent agencies performing similar functions, such as bridge and tunnel authorities. The General Assembly should make certain that localities are included in the planning process for homeland security measures and that federal funds received for homeland security flow through to these local agencies to pay for eligible costs. The Assembly should also maintain all current state funding to local public safety agencies, which are experiencing added costs for overtime related to homeland security but not eligible for federal funding.

Juvenile Detention Facilities

VACo opposes shifting responsibilities to localities through policies that increase usage of detention centers for juveniles that would previously have been taken into state facilities. Examples of such policies include requiring local detention facilities to accept post-dispositional placements, and unduly restricting juvenile courts' authority to sentence certain categories of offenders to state correctional centers, at the same time state funding to local juvenile programs is being reduced.

Meet and Confer

VACo continues to oppose "meet and confer" labor laws as applied to local governments.

Nuisance Abatement

VACo supports legislation to give counties the same powers as cities and towns to require abatement of nuisances on private property.

Sheriffs' Departments Staffing Standards

VACo supports legislation to change the Compensation Board's minimum staffing standards to fund at least 10 deputy sheriffs per county. The current standard provides one deputy per 1,500 people, with a minimum state funding level of five deputies per county. In a county with a small population but a large land area, five deputies are simply not adequate to perform 24-hour law enforcement, court security and other legally required duties.

Sovereign Immunity

VACo continues to oppose any change in local governments' present defense of sovereign immunity for tort liability.

State Burdens on Local and Regional Correctional Facilities

The number of state-responsible inmates remaining in local and regional jails past the statutory time for their removal to the state prison system continues to increase dramatically. The General Assembly should give the Virginia Department of Corrections sufficient resources to comply with statutory requirements for timely movement of sentenced jail inmates into the state prison system. Recent changes in state DUI statutes will further compound the burden on local facilities. Additional per diems would not alleviate the problem excess state inmates create for jails that are already overcrowded. VACo opposes the closing of state correctional facilities that will increase the number of out of compliance state inmates in jails.

Volunteer Recruitment and Retention

VACo supports the authorization of increased incentives for the recruitment and retention of volunteer public safety personnel, such as a lowering of the vesting requirements for the VOLSAP retirement benefit.

Community Development & Planning

Priorities

Land Use/Growth Management Tools

VACo asserts that local governing bodies shall maintain control over local planning and land use decisions. The state shall respect and protect the role of local governments to plan for and guide their own future. VACo opposes any legislation that would weaken current local government authority over land use regulation. Furthermore, localities, especially those experiencing residential growth, need additional tools by local option from the General Assembly to pay for services resulting from growth. Such tools may include impact fees, statewide conditional zoning, transferable development rights, state funds for purchase of development rights, adequate public facilities provisions in zoning and subdivision ordinances, and real estate transfer charges.

Response to Kelo v. City of New London: Eminent Domain

VACo supports amending Virginia's laws to ensure that the rights of property owners continue to be respected while preserving the necessary powers of local government and governmental agencies to avoid and abate blighted conditions

through redevelopment, and preserve condemnation authority provided for public purposes such as schools, parks, roads and other purposes as set out in the Virginia code.

Positions

Additions and Modifications to the Official Map

Amend §15.2-2235, Code of Virginia to provide that any addition to or modification of the official map that is identified in the county's approved Capital Improvement Program shall be added to the official map without the necessity of a public hearing before the Planning Commission or board of supervisors.

Building Design

VACo opposes legislation that would reduce flexibility in the Code of Virginia that allows localities to regulate certain activities relating to building design.

Capital Access Program / Certified Capital Company Program (CAPCO)

VACo supports establishing a Capital Access Program or a similar CAPCO program that would assist economic development efforts. The program should be focused on assisting small business with funding initiatives.

Comprehensive Plan

VACo supports legislation that will require state agencies to give consideration to local comprehensive plans. Local governing bodies should maintain control over local land use decisions and the state should respect and protect the role of local governments to plan for and guide its own future.

Cost of Growth

VACo supports legislation that would allow localities to require a future developer to reimburse the initial developer a pro rata sum for offsite improvements provided by the initial developer. VACo supports the creation of a state fund to assist local governments in the establishment of a Purchase of Development Rights (PDR) program.

Economic Development

VACo supports increased funding for the Regional Competitiveness Act.

VACo supports the Shell Building Program and would seek expansion or modification to allow for the funding of a “green” shell building program for communities that have clearly identified Sustainable Community Development and the protection of its natural, cultural and historical assets as an economic development priority.

VACo supports continued funding for the Governor’s Opportunity Fund, workforce training programs and the Industrial Access Road program as a means for the state to assist local governments in making infrastructure improvements necessary to attract and support economic development.

VACo supports the General Assembly providing funding for the management of the [Roanoke Valley] region’s small business incubator.

Enterprise Zones

VACo supports legislation that would allow local governments to have at least one enterprise zone in a county or city in addition to those that would continue to be permitted, as now provided by statute.

Growth Management

VACo supports legislation that would authorize local governments to determine minimum acreage requirements in land use assessments for agriculture, horticulture or for real estate.

VACo supports enabling legislation to provide for a scenic protection and tourist enhancement overlay district.

Impact Fees/Cash Proffers Local Option

VACo continues to support legislation that would allow localities the option to assess impact fees for school construction and other essential government services in lieu of voluntary cash proffers.

Increase Zoning Penalties

VACo supports legislation that would increase the penalties for violations of zoning ordinances.

Indoor Plumbing

VACo supports efforts to find cost effective ways to bring indoor plumbing to the more than 41,000 Virginians that do not have it.

234 **Input on VDOT's 6-year plan**

235 VACo supports local input for VDOT's 6-year plan based on public emergency
236 needs, access, etc.

237

238 **Land Conservation**

239 VACo supports increasing the state allocation for land preservation and scenic
240 easements and related measures to preserve agricultural, rural and open space
241 lands.

242

243 **Land Use Taxation**

244 VACo supports legislation that would lengthen the Use Value Taxation roll-back
245 period to at least 10 years.

246

247 **Manufactured Housing**

248 VACo opposes any further dilution of the zoning and land-use authority of local
249 governments as it pertains to manufactured housing.

250

251 **Non-Conforming Use**

252 VACo supports the preservation of local government authority under the
253 nonconforming use statutes.

254

255 **Planning Districts**

256 VACo supports state funding for regional planning districts.

257

258 **Recreation and Open Space**

259 VACo seeks increased funding for the Virginia Land Conservation Fund and
260 equal distribution to all counties.

261

262 **Rural Center**

263 VACo supports efforts by the Virginia Rural Prosperity Commission to create a
264 Rural Center in Virginia that would be a catalyst for improving the lives of rural
265 Virginians. The center would focus on education, research, economic
266 development activities and advocacy for rural counties in Virginia.

267

268 **State Corporation Commission-Public Service Corporations**

269 VACo supports legislation that requires public utility service corporations when
270 applying for a certificate of convenience and necessity to construct or enlarge any
271 facility from the State Corporation Commission to first provide written notice to
272 persons residing or owning property within the affected area.

273

Transfer Tax Study

VACo supports a legislative study to determine whether a statewide transfer tax should be imposed to pay for local infrastructure, including schools.

Water and Sewer Fees

VACo supports legislation that would allow counties to enact water and sewer availability fees & mandatory water and sewer connection powers. VACo opposes any legislation to cap water and sewer fees or otherwise impose fiscal constraints on the ability of local governments to provide water, sewer services and public utilities.

Workforce Development

VACo supports the Workforce Services Training program at current funding levels and supports continued funding of re-training efforts.

Education

Priorities

Education Funding

VACo supports enhanced funding for public education, which should be achieved without reduction to other parts of the federal and state public education budget or to other federal or state programs affecting local governments. VACo supports full funding of the JLARC study recommendations on funding for public education. VACo supports full funding of all educational mandates, including federal mandates such as The Individuals with Disabilities Education Act and No Child Left Behind and state mandates including the Standards of Quality and teacher salary increases. VACo also supports full funding for at-risk programs designed for students that are at greatest risk of failing to meet the SOL requirements, funding for reduction of class size and funding of vocational and gifted programs. VACo urges recognition that school infrastructure, technology, transportation and teacher salaries be funded adequately in order to achieve and maintain the core needs of our K-12 public school system.

313 **Funding Formula**

314 VACo supports legislation that establishes a foundation for state funding for
315 school budgets that would apply a statewide average per capita, per student, or
316 baseline year levels of expenditures for education. If the foundation for school
317 funding is modified, VACo requests that localities be held harmless so that there
318 is no reduction in state funds to any locality.

319

320 **No Child Left Behind**

321 VACo supports legislation that provides flexibility in the federal No Child Left
322 Behind Act for states such as Virginia with high standards of accountability.

323

324 **School Construction and Debt Service**

325 VACo encourages the state to recognize the burden that school construction and
326 debt service costs place on local budgets. Accordingly, the state is urged to
327 provide localities with money for school facility debt service, on a per pupil basis
328 and in addition to SOQ funding and to establish a permanent revenue source
329 and formula for distributing school construction and debt service funding to
330 localities.

331

332 **Standards of Quality**

333 VACo supports amendments to Article VIII, section 2 of the Virginia
334 Constitution titled "Standards of quality; State and local support of public
335 schools" and other legislation that would require the Standards of Quality to be
336 determined and prescribed every two years and would obligate the
337 Commonwealth to fully fund its portion of the Standards of Quality. VACo urges
338 state officials to determine, prescribe and fund the Standards of Quality (SOQ)
339 on the basis of realistic and actual educational needs, practices and costs and to
340 include capital, operational and maintenance costs for school facilities and
341 transportation.

342

343 **Teacher Shortage**

344 VACo urges the state to recognize the statewide teacher shortage due to the tight
345 labor market, the implementation of the No Child Left Behind Act, and salary
346 and personnel disparities. The state is urged to provide funding for teacher pay
347 increases and to provide creative programs and alternate routes to licensure in
348 order to help attract and retain quality teachers.

349

350 **Transportation and Technology Funding**

351 VACo urges the state to provide a regular funding source for the provision and
352 maintenance of transportation, technology and infrastructure in public schools.

353 **Positions**

354
355 **Certification and Accreditation**

356 VACo supports the use of multiple criteria, which would include the Standards
357 of Learning (SOL) test scores and other criteria for determining the accreditation
358 and certification of both students and individual schools.
359

360 **School Safety**

361 VACo believes that safety is critical in public schools and at school activities and
362 therefore supports legislation that encourages and facilitates a safe and
363 productive learning environment in all schools. VACo urges the continuation of
364 grants and enhanced funding for School Resource and Dare Officers and other
365 school safety programs and initiatives.
366
367

368 **Environment & Agriculture**

369
370
371 **Positions**

372
373 **Asian Oyster**

374 VACo supports legislation that would permit the introduction of the Chinese
375 Oyster (*Crassitrea Ariakensis*) into the public waters of the Chesapeake Bay.
376

377 **Biosolids**

378 VACo believes that the land application of biosolids, when conducted properly,
379 provides important benefits to the public and Virginia's agricultural sector. To
380 reduce risks that might occur as a result of improper land application, VACo
381 supports an effective statewide program and regulations governing land
382 application of biosolids that protect the environment, public health and safety.
383 VACo also supports the ability of local governments to monitor compliance with
384 such regulations and the ability of local governments to submit
385 recommendations for site-specific conditions into the permitting process.
386

387 **Chesapeake Bay Preservation Act**

388 VACo opposes legislation that would expand the area covered under the
389 Chesapeake Bay Preservation Act.
390
391

392 **Comprehensive Animal Laws**

393 VACo supports amendments to Section 3.1-796.93:1 of the Code of Virginia to
394 strengthen regulations of dog attacks on companion animals and humans. VACo
395 also supports additional amendments to Section 3.1-796.93:1 that would expand
396 the definition of dangerous dogs to include those that, without provocation, have
397 chased, confronted or approached a person in such a menacing fashion as to put
398 a reasonable person in fear of attack.

399

400 **Erosion and Sediment Control**

401 VACo supports legislation to provide that any city, county or town may by
402 ordinance establish an alternative procedure in lieu of that provided in Section
403 10.1-565 of the Code of Virginia to permit the creation of a pool of security funds
404 that can be drawn on when there has been default in performance of erosion and
405 sediment control measures on residential lots.

406

407 **Farmland Preservation Program**

408 VACo supports the Farmland Preservation Program established under Section
409 3.1-18.9 of the Code of Virginia.

410

411 **Fertilizer Labeling**

412 VACo supports legislation that requires proper precautions and directions for
413 use on packages or containers of specialty fertilizers used for non-agricultural
414 purposes.

415

416 **Land Conservation**

417 VACo supports the establishment of a dedicated and adequate state funding
418 source to provide matching funds for localities to assist with the purchase of
419 conservation easements and other land conservation needs.

420

421 **Litter Control**

422 VACo supports a law requiring deposits of beverage containers.

423

424 **Livestock Compensation Program**

425 VACo supports adequate financial assistance in the Livestock Compensation
426 Program for emergencies caused by weather-related disasters.

427

428 **Livestock Killed or Injured by Dogs**

429 VACo supports legislation providing compensation to localities for livestock
430 killed or injured by dogs in cases where the owner of the dog is not known.

431

On-Site Sewage Disposal

VACo opposes legislation that would remove local government authority for local health ordinances and regulation to be more stringent than any applicable state law and State Board of Health regulation in the protection of public health.

Shared Land Use Data

VACo supports promotion of shared land use data and Geographical Information System (GIS) technology among state agencies, PDC's and localities.

Soil Surveys

VACo supports the appropriation of adequate funds to facilitate timely completion of the statewide soil survey.

Soil and Water Conservation Districts

VACo supports increased funding for the state's Soil and Water Conservation Districts.

Solid Waste Facilities

VACo opposes legislation that requires the Virginia Waste Management Board to take into consideration whether there is a bond or other financial assurance when promulgating regulations pertaining to financial responsibility for abandoned facilities.

State Parks

VACo supports increased funding for operation and management of state parks.

Stormwater Escrow Accounts

VACo supports legislation that would allow local governments to establish stormwater facility escrow accounts for maintenance and administration of stormwater management facilities on a specific development site.

Surcharge on Tipping Fees and Other Services

VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any other service provided by a local government or authority.

VACo supports the recommendation of the Chesapeake Bay Watershed Blue Ribbon Finance Panel that calls for an appropriation by Congress of \$12 billion with a requisite match of \$3 billion by participating states for Chesapeake Bay clean-up activities.

472 **Surface and Groundwater Data**

473 VACo believes the generation, maintenance and analysis of a sound surface and
474 groundwater data network is an essential state responsibility.

476 **Total Maximum Daily Loadings (TMDL)/Tributary Strategies**

477 VACo supports additional state funding and technical resource assistance to
478 localities to assist them with the implementation of tributary strategies and
479 TMDL for both point and non-point sources of pollution to Virginia's waterways.

481 **Waste Fees**

482 VACo supports amendments to Section 15.2-2159 of the Code of Virginia to
483 permit all counties, at local option, to impose a household tax for solid waste
484 disposal.

486 **Water Quality Improvement Fund**

487 VACo urges the General Assembly to restore funds to the Water Quality
488 Improvement Fund in a manner sufficient for the state to meet its obligations
489 under existing grant agreements.

491 **Water Quality Testing**

492 VACo supports reinstatement of the groundwater quality testing program.

494 **Finance**

497 **Priorities**

499 **Car Tax (PPTRA)**

500 VACo supports increased funding for local reimbursement of the PPTRA
501 program so that the state's share of the reimbursement is fully funded. VACo is
502 concerned about the administrative costs and potential confusion to local
503 taxpayers that will result from the tiered rates that must be calculated and
504 displayed on the car tax bills, and requests reconsideration of this requirement.

506 **Maintenance of Taxing Authority**

507 VACo opposes any effort to restrict or limit the sources of revenue available to
508 local governments, such as limiting the growth of real estate revenue, real estate

assessments, real estate tax rates, personal property taxation and/or BPOL. If the General Assembly removes or curtails a revenue source, VACo insists that local governments be guaranteed the opportunity to replace lost revenue sources of local revenue with comparable, equivalent, independent sources. Otherwise, that the state become fully responsible for services currently provided by local governments in the dollar amount no less than any lost local revenue plus any growth in costs of such services, or that the General Assembly fully replace the lost local revenue with state funds in the amounts needed to capture projected economic growth and local need. The citizens of the Commonwealth have needs for public services that must be met, if not by the local government, then by the state.

Unfunded Mandates

VACo opposes unfunded mandates by the state government. When funding for a mandated program is altered, the mandate should be suspended until full funding can be restored. When legislation with a cost is passed by the General Assembly, the cost should be borne by the state and the legislation should contain a clause that provides that if the funding by the state is not provided, the mandate is not binding on localities. VACo further opposes the shifting of fiscal responsibility from the state to localities for existing programs.

Other Priorities

BPOL

The business, professional and occupational license tax is a significant local revenue source, accounting for \$517 million statewide. Tremendous strides have been made to grant the business community the fairness and uniformity they were seeking. VACo is still open to alternatives to the BPOL tax that are revenue neutral on a locality-specific basis but opposes any alternative that is not revenue neutral.

Equal Taxing Authority

VACo supports legislation to grant counties the same revenue diversification available to cities and towns including, but not limited to, the cigarette tax, the admissions tax, the transient occupancy tax and the meals tax, as well as other powers granted to cities and towns under the Uniform Charter Powers Act so that counties may continue to provide adequate services to their citizenry.

547 **Income Tax Deductions**

548 VACo urges the General Assembly to allow state income-tax payers to deduct
549 local real estate tax payments whether or not the tax payer itemizes deductions.
550 This would be a direct method of reducing the total tax burden placed on the
551 Commonwealth's citizens, especially persons of low income who often do not
552 itemize deductions.

553

554 **Income Tax Sharing**

555 VACo continues to support the concept that would allow local governments to
556 retain a portion of income tax revenue that flows to the Commonwealth of
557 Virginia.

558

559 **Positions**

560

561 **Business Facility Job Tax Credit**

562 VACo supports the Business Facility Job Tax Credit legislation, introduced by
563 Del. Joe May in the 1999 session, which would provide that localities with
564 businesses qualifying for the business facility job tax credit would receive from
565 the state a 20 percent rebate of the personal income tax earned as a result of the
566 jobs created by the qualifying businesses. The rebate will be paid to the locality
567 where the employee resides.

568

569 **Constitutional Officers**

570 VACo supports full state funding of constitutional officers and their employees.
571 The local governing body should be consulted and issued formal approval prior
572 to the addition of new positions or changes in funding of benefits that are
573 granted by the State Compensation Board. VACo opposes any legislation to
574 increase the local share of funding for constitutional officers. VACo particularly
575 opposes any efforts to allow the Compensation Board to reduce its approved
576 funding levels for dispatchers in local sheriffs' offices because a local E-911 fee is
577 charged. In most localities, the fee does not fully cover the cost of providing E-
578 911 service.

579

580 VACo supports looking at alternatives for state funding provided by the
581 Compensation Board.

582

583 **Courthouse Maintenance Fees**

584 VACo supports legislation increasing the permissible fees for courthouse
585 maintenance from \$2 to \$4, extending these fees to criminal and traffic cases and
586 raising the overall local cap on courthouse and law library fees to \$6.

587

588 **Funding Strategies for Juvenile Detention Facilities and Juvenile Prevention**
589 **and Treatment Programs**

590 VACo supports the General Assembly developing alternative funding strategies
591 for regional juvenile detention facilities and requiring the Department of Juvenile
592 Justice to provide full financial support for these institutions. VACo supports
593 new funding strategies to support juvenile prevention and treatment programs.

594

595 **Judicial Review/Erroneous Assessments**

596 VACo opposes any legislation (similar to SB 1009 in the 1999 General Assembly
597 and HB 1175 in the 2000 session) that would change the longstanding legal
598 standard of "manifest error" for judicial review of tax assessment challenges.

599

600 **Land Use Assessment**

601 VACo supports amendments to Section 58.1-3234 of the Code of Virginia to
602 extend the deadline for filing a revised application for the land use assessment
603 program to 30 days after the landowner receives notices that the property has
604 been removed from land use taxation, and to change the five-year eligibility
605 requirement for certain horticultural and agricultural multiyear crops such as
606 vineyards, nurseries and Christmas tree farms.

607

608 **Land Use Taxation**

609 VACo supports the local option of extending the rollback for land use taxation
610 from five to ten years. VACo supports state reimbursement to localities for the
611 amount of annual real estate tax revenues lost through the voluntary
612 participation of localities in the state-sponsored land use taxation program.

613

614 **Library Funding**

615 VACo supports full funding of the state aid formula for public libraries and
616 phasing in full funding of the public library technology initiative "Infopowering
617 the Commonwealth". VACo supports the existing level of state funding for
618 public libraries, retention of the "Infopowering" funding, funding of the Library
619 Construction Grants program and the Library of Virginia operations budget.

620

621

622 **Local and Regional Jails**

623 VACo supports a correction to the present lack of logical and fair funding for
624 local and regional jails.

625

626 **Nuisance Tax**

627 VACo supports legislative authority to place a nuisance tax on vacated, blighted
628 and derelict property.

629

630 **Road Construction and Maintenance Funding**

631 VACo opposes shifting the responsibility for the construction and maintenance
632 of the Commonwealth's road system onto local governments.

633

634 **Sales and Use Tax**

635 **(1) Sales tax exemptions**

636 VACo supports a reduction in the number of sales tax exemptions.

637 **(2) Use tax**

638 VACo supports the continuation/retention of the use tax.

639

640 **School Construction Costs**

641 VACo applauds the 2005 General Assembly for approving and targeting a
642 significant amount of new funding for K-12 education, particularly for the state's
643 share of revisions to the Standards of Quality. Localities still need additional
644 assistance from the General Assembly for school construction. The school
645 construction program must be extended beyond the current time frame, and the
646 state should increase the amount of total appropriations for school construction
647 beyond the current \$55 million, two-year commitment. In addition, the Literary
648 Fund and the Virginia Public School Authority Interest Rate Subsidy program
649 should have their funding level reinstated so that they can be used as a source by
650 localities for school construction. The Literary Fund was removed as a viable
651 funding source for school construction in the adopted FY 2004-2006 state budget
652 when money was transferred for teacher retirement and social security.

653

654 **Service Charge in Lieu of Property Taxes for State Property**

655 VACo supports revisions to Section 58.1-3403 of the Code of Virginia to address
656 ownership issues, including not only outright ownership, but also lease purchase
657 and similar other arrangements.

658

659 **Tax Credits for the Poor**

660 VACo supports codifying legislation that permits counties to provide a real

property tax credit for persons of a defined level of poverty much as they are enabled to do for the elderly and disabled.

Tax Liability for Trucking Companies

VACo supports legislation requiring trucking companies that apportion their tax liability for over-the-road vehicles to provide proof of personal property tax obligations owed to other states.

Tax Relief to Property Owners Engaged in Fishing/Aquaculture

VACo supports the ability for localities, at their local option, to provide real estate tax relief to property owners engaged in commercial fishing/aquaculture.

Virginia Retirement System

Changes in Benefits

Any changes or increases in VRS benefits including but not limited to early retirement programs must contain mechanisms to ensure that local governments receive full and complete information from VRS and are contingent upon formal approval by the local governing body. Moreover, before any increase or change in VRS benefits affecting school divisions is made, the local governing body responsible for financing any additional costs must receive complete information from VRS detailing the cost of the change. VACo supports development of language clarifying that all decisions on VRS changes or enhancements must be approved by the local government on a local option basis and not by the employing agency, which may or may not have fiscal responsibility.

Contribution Rates

VACo supports requesting that the state stabilize VRS rates.

Filing Deadlines

VACo supports a Dec. 1 filing deadline for legislation that will affect the contribution rates or assumptions established by the VRS Board of Trustees or the benefits offered, including the establishment of new programs.

Law Enforcement Officers Retirement System (LEOS)

VACo supports that the total cost of the Law Enforcement Officers Early Retirement Option be paid for by the Commonwealth.

Long-Term Care Insurance

VACo supports legislation that directs the Virginia Department of Human Resource Management to work in coordination with the Virginia Retirement

System to develop a long-term care insurance program that offers an optional group long-term care insurance policy to current and retired employees of the Commonwealth, local governments, school boards and all others vested in the Virginia Retirement System.

SOQ Positions

VACo supports state reimbursement of school systems for VRS-related costs for positions that exceed those required by the current SOQ regulations.

Viability of VRS

VACo opposes the recent actions of the General Assembly which effectively compromise the integrity of the assets of the Virginia Retirement System and call into question the future viability of the plan for affected public employees.

Virginia Sickness and Disability Plan (VSDP)

VACo supports the introduction of legislation to allow the Virginia Retirement System to offer political subdivisions, at their option, the opportunity of participating in the Virginia Sickness and Disability Program. Because of the intensive administration requirements associated with the transition to the VSDP, the opportunity to participate in the program would have to be phased in over a number of years.

VRS Eligibility for Local Elected Officials

VACo supports amending the Code of Virginia to permit members of local governing bodies to become members of the Virginia Retirement System.

Health & Human Services

Priorities

Better State/Local Collaboration

VACo encourages greater collaboration between the state and localities across the spectrum of health and human services programs, especially with regard to state-mandated programs.

739 **Local Administrative Costs for CSA**

740 The General Assembly should increase state funding for the costs of local
741 administration of the Comprehensive Services Act (CSA). The complexity of the
742 CSA program has grown since its inception, and the number of children served
743 has either grown or remained fairly constant, depending on the locality.
744 Meanwhile, state assistance has not matched the concurrent increases in local
745 administrative costs, and is indeed woefully inadequate in most jurisdictions.

746
747 **Medicaid Cost-Shifting**

748 VACo opposes any shifting of Medicaid matching requirements from the state to
749 localities. Currently, in Virginia, Medicaid costs are divided equally between the
750 federal and state government. However, with both the federal government and
751 state government seeking to reduce the growing costs of Medicaid, localities may
752 be looked at to share this financial burden. Some states, including North
753 Carolina, have already done this to some extent. Virginia counties do not have
754 the resources or the flexibility to increase revenues needed to adequately take on
755 such a responsibility. Therefore, any shifting of the state's Medicaid obligation to
756 localities would result in a significant unfunded mandate to localities and could
757 threaten the quality and quantity of services available to this vulnerable
758 population.

759
760 **Positions**

761
762 **Aging/Long-Term Care**

763 VACo requests that the General Assembly provide sufficient funding for
764 companion services, in home services and home delivered meals. VACo urges
765 the legislature to provide budget language to improve Medicaid reimbursements
766 and funding to improve staffing ratios in nursing facilities. VACo also supports
767 full state funding for the Auxiliary Grant Program. Currently, local governments
768 are required to provide a match for this state entitlement program and local
769 governments have no control over expenditures and recipient rate increases.

770
771 **Behavioral Health Care**

772 The Commonwealth should maintain, fully fund and continue to operate a
773 Statewide Mental Health System, to include inpatient treatment facilities for
774 long-term care of adults and adolescents. The Commonwealth should provide
775 funding sufficient to allow Community Services Boards to adequately meet the
776 charge of providing a community based system of care. VACo supports
777 sufficient state funding for Community Services Boards (CSB) as they implement

778 mental health, mental retardation and substance abuse programs locally.
779 Sufficient funding may reduce the waiting lists currently in existence. A more
780 appropriate level of funding in the MR Waiver program is needed so that CSB's
781 could assist consumers that have an immediate need for residential and day
782 treatment programs.

783
784 VACo supports increased funding for the MR Waiver Program to meet the needs
785 of all citizens currently on the urgent waiting lists. The Commonwealth should
786 adequately fund services for children and adolescents who have serious
787 emotional disorders, but do not qualify for CSA funding in their localities. We
788 also seek the Commonwealth to adequately fund Substance Abuse Services, not
789 only within Community Service Boards, but within jails and prisons.

790
791 VACo also recognizes the importance of sufficient funding to meet the critical
792 needs of youth who are categorized as non-mandated youth in the
793 Comprehensive Services Act. We request the General Assembly to increase
794 funding for non-mandated youth served through the Mental Health Initiative.

795
796 VACo supports an increase in Medicaid eligibility to 100% of the Federal Poverty
797 Guidelines.

798 799 **Child Care Funding**

800 VACo supports adequate funding for the child daycare fee system. Any funding
801 increase needs to be added to the base allocation for each locality's child daycare
802 fee system program.

803
804 VACo supports additional Temporary Assistance to Needy Families (TANF)
805 child daycare funding, including an additional eight months of transitional child
806 daycare as families document a need.

807 808 **Children's Healthcare**

809 VACo supports funding and initiatives offered through the Virginia Healthcare
810 Foundation. Additional funding would be supported for dental care, school
811 nurses and preventive services offered through local health departments and
812 local school systems.

813 814 **Comprehensive Services Act**

815 VACo supports interim data requirements to the extent that costs associated with
816 mandated reporting are borne by the state. Data elements should be consistent
817 for three years before any changes, outcome measures or additional elements are

required. The costs associated with any mandated reporting requirements should be borne by the state.

The General Assembly should expand the scope of the Medicaid State Plan coverage to include different pay levels for residential care and other targeted case management groups and reduce barriers.

VACo supports the current categorical groupings of children as mandated and non-mandated. Any efforts to do away with categorical grouping or expand mandated services will be opposed by VACo.

Drug Courts

VACo encourages the Commonwealth of Virginia to expand the use of Byrne Grant Funds to fund drug courts beyond the nine drug courts currently receiving funds. The Commonwealth of Virginia, through the Office of the Supreme Court, should continue and expand funding opportunities for those localities that are initiating drug courts.

FAMIS (Family Access to Medical Security Insurance)

VACo continues to support the expansion of the children's health insurance program to all children of the Commonwealth who are not eligible for Medicaid; and are not covered by other health insurance. VACo further supports the utilization of all available federal funds to maximize enrollment in FAMIS.

Healthy Families

VACo supports continued state General Funds for the Healthy Families Program, a voluntary program that offers parental education, support and assistance to help prevent the need for more costly human services, special education and public safety programs in the future.

Human Services Funding

VACo supports state policies and funding practices ensuring that Virginia's children, youth and families have access to high quality and appropriate services. This means fully funding localities for state mandated human services and providing the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

Local Costs of Administering Medicare Part D

The Medicare Modernization Act of 2003 added prescription drug coverage under the new "Part D" to all persons eligible for Medicare beginning January 1,

2006. While enrollment for drug coverage is optional for regular Medicare recipients, it will be mandatory for all persons eligible for both Medicare and Medicaid (so-called dual eligibles). States will no longer receive federal funds to pay for dual eligibles' drugs under Medicaid. Current DMAS estimates of new costs to Virginia resulting from Medicare Part D implementation begin at \$22 million in 2006 and increase to \$28.4 million by 2008.

The burden of determining eligibility for this new benefit will fall largely on local departments of social services and local area agencies on aging. Therefore, VACo encourages the General Assembly to provide state general funds for the determination of eligibility and administrative impact of the Medicare Part D mandate on localities.

Part C Program

VACo also supports full funding for infants and toddlers with disabilities and their families receiving services from Part C, Individuals with Disabilities Education Act Early Intervention Program (IDEA Part C).

Prevention Programs

VACo supports sufficient state general funding that can be used for startup costs associated with community based service programs. Reductions in prevention programs will put numerous youth at risk of high-end CSA placements.

Resource Management Development Initiative (RMDI)

VACo encourages the state to recognize that local contracts with the federal government on the reimbursement of funding through RMDI were reviewed and authorized by the state according to VDSS guidelines. VACo requests the state to fund previous commitments to local governments through RMDI and hold county's harmless if any federal charge-backs are recommended.

Restoration of "\$4 for Life" Emergency Services Funding

Since July 2002, over \$3 million annually has been taken from the EMS funding provided through vehicle registration fees and put into the state's General Fund. The first two years these funds were redirected for homeland security. Now, federal funding is plentiful for this purpose, yet the EMS funds are still being redirected.

Statute calls for the funds to be distributed to the Regional EMS councils, Virginia Association of Volunteer Rescue Squads and local governments. The

funds will be used for purchasing equipment and supplies, training, and supporting the Virginia office of EMS.

A JLARC report submitted in 2005 stated:

"The Governor may wish to submit an amendment in the "\$4-for-Life" funding formula to permit implementation prior to full funding from the fee, or to delete the transfer of \$3.45 million to the state general fund, which will have the effect of implementing the statutory distribution formula."

Four separate budget amendments to accomplish this were submitted during the 2005 General Assembly session, but none passed. Therefore, VACo encourages the Governor to redirect these funds in his proposed biennial budget as designated in statute, and urges the General Assembly to support such action.

Social Services

VACo supports sufficient state funding for local departments of social services to maintain adequate office space to deliver services. VACo is requesting that the General Assembly use workload measures, as defined in the 1999 Workload Measures Study, in determining funding for social services staffing throughout the state.

Virginia Juvenile Community Crime Control Act (VJCCCA)

VACo requests that the General Assembly act to prevent further reductions in the VJCCCA program. The program was reduced \$15 million (51 percent) in '03 and additional reductions will do irreparable harm to communities across the Commonwealth.

VJCCCA should maintain a formula driven allocation process. If changes do occur, a workgroup should identify and support a suitable formula that honors historical state and local partnerships.

VACo requests the General Assembly to require a biannual report in program outcomes from the Department of Juvenile Justice. This report shall include accountability measures on programmatic and client outcomes as well as utilization and unit costs. The report should recognize the "interconnectivity" between state secretariats and programs in mental health, CSA and social services.

Telecommunications & Utilities

Priorities

Local Control of Telecommunications Facilities

VACo opposes any preemption or circumvention of local governments' historical control over land use decisions, including control over the siting of telecommunications facilities on state property. VACo is opposed to efforts to exclude local officials from the review of telecommunications projects on federal property.

VACo opposes any legislation that would reduce the powers of local governments (upheld in the Nov. 5, 1999, ruling by the Supreme Court in Board of Supervisors v. Washington, D.C. SMSA L.P., et al) to regulate the siting of commercial and land-based telecommunications facilities (e.g., monopoles, towers and related structures) within VDOT rights-of-way without prior approval of the locality's land use and/or zoning authority.

Local Government Telecommunications Service Authorities

In an effort to provide adequate and reliable communication services to unserved or underserved areas of Virginia, VACo supports legislation that would grant localities the ability to form telecommunications service authorities and/or public/private partnerships to provide communications services. To accomplish this, localities must be given the authority to maintain its taxing authority to support service provision to its citizenry.

Telecommunications Tax Restructuring

Existing taxing authority for localities must be preserved, especially since this authority funds E-911 service. VACo is committed to protecting the long-term financial interests of Virginia's local governments and ensuring a modern telecommunications and information services tax policy that treats communications providers equitably, regardless of the delivery platform. Local governments must be guaranteed — on a locality-by-locality basis — adequate and growing communications services revenues in exchange for the local right of entry and regulation, adequate local consumer protection and services, and efficient local public safety answering point operations (E-911 call centers).

975 **Positions**

976
977 **Contiguous Telephone Exchanges**

978 VACo supports legislation requiring local telephone service providers to include
979 all parts of a county within the same local calling area.

980
981 **Electric Utility Rebundling**

982 VACo supports proposed legislation that rebundles electricity in Virginia and
983 maintains the powers of the SCC to regulate and set rates for the electric power
984 companies operating in Virginia.

985
986 VACo supports legislation guaranteeing that reasonable rates for electricity will
987 be maintained since Virginia ranks among the states with the lowest rates for
988 electricity. Any legislation deregulating the electric utility industry should
989 contain safeguards so that prompt and efficient service to customers, especially
990 for repairs, is not compromised. Furthermore, any proposals for electric utility
991 restructuring should be revenue neutral to localities.

992
993 **Multi-line Telephone Systems Requirement on Providing Single Addresses**
994 **for Each Line**

995 To ensure the safety of the citizenry of Virginia, VACo supports legislation that
996 would have owners of private branch exchange (PBX) telephone systems (one
997 switch serving many lines) report an exact location to the 911 system for each
998 line on their system to enable the response of emergency workers to a defined
999 location as opposed to one street address.

1000
1001 **Transportation**

1002
1003
1004 **Priority**

1005
1006 **Transportation Funding**

1007 The Virginia Association of Counties believes that Virginia's transportation
1008 system is experiencing a major funding crisis that must be directly confronted by
1009 the 2006 session of the General Assembly. According to the VTRANS 2025
1010 report, "by 2025, capital and maintenance needs across all modes will exceed
1011 \$203 billion. Best estimates of available revenues are less than half that figure at

\$95 billion. This is an under-investment of over \$108 billion.” The findings in the VTRANS 2025 report are consistent with preceding transportation needs assessments that the Commonwealth has completed over the past twenty years. Unless the 2006 General Assembly approves increased revenues for transportation that are separate, reliable and permanent, Virginia will face a congestion and mobility crisis that will strangle economic growth and profoundly and negatively affect the quality of life of all residents.

VACo strongly urges the state to aggressively promote and fund public transit alternatives and to provide equity in fundraising for each transportation mode. Greater funding and public awareness will help increase transit ridership.

Positions

Adequate Public Facilities

VACo supports legislation allowing local governments to enact adequate public facilities ordinances at the subdivision stage.

Commonwealth Transportation Board

VACo supports a legislative study to evaluate the operations of the Commonwealth Transportation Board, and examine whether more suitable alternatives might exist for making major transportation policy decisions.

Impact Fees

VACo supports legislation that would repeal the provision in Section 15.2-2327 of the Code of Virginia requiring that local governments refund impact fee revenue if the project for which such impact fee revenue is dedicated is still not completed within 15 years.

Location of Routes by the Commonwealth Transportation Board

VACo opposes any legislation that is likely to have the effect of further delaying the location or acquisition of right-of-way for new routes that conform to the local comprehensive plan.

Movement of Freight

VACo supports multi-modal approaches to the movement of freight that utilizes highways and rail in a balanced manner.

Overweight Truck Fines

VACo supports a change in state law allowing local governments that actively train local law enforcement officers to perform vehicle safety inspections to collect and keep all overweight fines to support vehicle safety inspection programs.

Pave-in-Place/Rural Rustic Roads

VACo supports greater flexibility and additional funding to ensure success of the pave-in-place and rural rustic road program. VACo urges VDOT to work cooperatively with local governments to ensure success of both of these programs.

Rail Passenger Service

VACo recommends that the Board of Directors of the American Association of State Highway and Transportation Officials urge Congress to reject any amendments to legislation concerning rail passenger services that would limit the ability of states and local jurisdictions to continue to implement commuter rail and intercity rail at reasonable costs and to enact legislation to provide a forum for resolution of disputes between the railroads and the states or other public agency rail service providers for the use of existing rail lines.

VACo supports an expanded passenger rail service network offering service between Washington, D.C., Richmond, Bristol and Hampton Roads as a cost-effective component of the multi-modal transportation system in the Commonwealth.

Rights-of-Way Acquisition

VACo encourages the expeditious acquisition of right-of-way as soon as alignment is completed.

Road Improvement Securities

VACo supports an amendment to the Code of Virginia to provide that the refund to a developer of 90 percent of a security posted for road improvements be required only after sufficient uses are established on the road to permit the road to be accepted into the state system of secondary roads for maintenance. (A locality must currently refund this security money after the road improvements have been made, even if the road does not yet qualify for acceptance into the state highway system.)

1092 **Road Signs**

1093 VACo supports legislation giving localities the option of requiring placement of
1094 an on-premises sign, clearly visible from the access road, indicating that any road
1095 or street in a private road subdivision will not be maintained by the Virginia
1096 Department of Transportation or by the locality unless it is improved by the
1097 developer and/or the lot owners to VDOT road design specifications.

1098

1099 **Route 58**

1100 VACo supports continued funding for the Route 58 four-lane project.

1101

1102 **Secondary Road Construction**

1103 VACo opposes any proposal to increase the share paid by counties for
1104 construction of secondary roads unless the General Assembly provides
1105 additional sources of local funding. VACo does not consider increases in local
1106 real estate or personal property tax rates to be additional sources of local
1107 funding.

1108

1109 **Secondary Road Funds**

1110 VACo supports legislation allowing counties to responsibly use at least 50
1111 percent of its money from secondary road fund allocations for debt service, as
1112 permitted on urban roads and rural additions.

1113

1114 **Service Districts**

1115 VACo supports an amendment to Section 15.2-2403 of the Code of Virginia to
1116 clarify that roadways are included among the facilities, equipment and
1117 transportation services that may be constructed by service districts under this
1118 section.

1119

1120 **Small Motor Vehicles**

1121 VACo supports legislation to amend the definition of mopeds to include similar
1122 small motorized devices (such as motorized scooters).

1123

1124 **Teleworking Tax Credit**

1125 VACo supports legislation (similar to SB 444 introduced in the 2000 session) that
1126 would grant a tax credit to certain qualified employers for eligible costs incurred
1127 to provide an employee with the ability to telework for taxable year 2001. (The
1128 credit equals 100 percent of the cost of the initial set-up to enable teleworking for
1129 an employee who works five or more days weekly. The credit per employee is
1130 limited to \$2,000 annually. Total credits granted shall not exceed \$10 million and
1131 total participation shall not exceed 10,000 employees.)

1132 **Truck Registration Fees**

1133 VACo supports legislation that would increase truck registration fees in a
1134 manner consistent with recommendations in a 1991 study by VDOT on vehicle
1135 cost responsibility. Buses should not be subject to higher fees.
1136

1137 **Uninsured Motorists**

1138 VACo supports legislation that would repeal the uninsured motorist program
1139 that allows drivers to drive without insurance.
1140

1141 **Unpaved Roads**

1142 VACo opposes any change in statute that increases the present minimum daily
1143 vehicle count of 50 for paving unpaved roads.
1144

1145 **Urban Transportation Studies**

1146 VACo requests that area urban transportation studies be better coordinated
1147 among surrounding counties, which may lead to better coordination of urban
1148 and primary projects that serve the region.
1149

1150 **VDOT-Constructed Road Projects**

1151 VACo supports legislation authorizing the Virginia Department of
1152 Transportation (VDOT) with state forces to build or reconstruct road
1153 improvements up to \$750,000 in estimated costs. (The present limit is \$300,000.)
1154